

1. TASK NUMBER 980313HCC2413		2. INVESTIGATOR'S ID 8919		EPIDEMIOLOGIC INVESTIGATION REPORT
3. OFFICE CODE 830	4. DATE OF ACCIDENT YR MO DAY 98/03/05	5. DATE INITIATED YR MO DAY 98/03		
6. SYNOPSIS OF ACCIDENT OR COMPLAINT UPC A 14 year old male was killed when his friend fired a BB gun at him. A BB struck the victim below his right eyebrow and lodged in his brain. The victim's friend had fired the BB gun several times and thought the weapon was empty.				
7. LOCATION (Home, School, etc.) Home 11		8. CITY Tinley Park		9. STATE Illinois
10A. FIRST PRODUCT BB Gun 1237		10B. TRADE/BRAND NAME Daisy		10C. MODEL NUMBER 099613834
10D. MANUFACTURER NAME AND ADDRESS Daisy Manufacturing Co. P.O.Box 220 Rogers, AR 72757				
11A. SECOND PRODUCT None 0000		11B. TRADE/BRAND NAME		11C. MODEL NUMBER
11D. MANUFACTURER NAME AND ADDRESS				
12. AGE OF VICTIM 14		13. SEX 1		14. DISPOSITION Deceased 8
15. INJURY DIAGNOSIS Foreign Body 56		16. BODY PART (S) INVOLVED Eyeball 77		17. RESPONDENT Police Dept. 3
18. TYPE OF INVESTIGATION Telephone 2		19. TIME SPENT (OPERATIONAL HOURS) 10.0		20. ATTACHMENT(S) None 0
21. CASE SOURCE MECAP 12		22. SAMPLE COLLECTION NUMBER None		
23. PERMISSION TO DISCLOSE NAMES (NON NEISS CASES ONLY) No				
24. REVIEW DATE 980506		25. REVIEWED BY 8311		26. REGIONAL OFFICE DIRECTOR
27. DISTRIBUTION O=EHDS, cc=FTR, C.Perez/J. DeMarco, cc=FOCR IDI file, cc=FOWR/FYI				

CPSC FORM 182 (12/96) Approved for use through 5/31/2000 OMB  
NO.30410029

MFR/PRVLR NOTIFIED 10/12/99  
☒ No Comments made  
☒ Comments attached  
☒ Excisions/Revisions  
☒ Firm has not requested further notice

980313HCC2413

**ADDENDUM:**

On May 5, 1998 I received a call from Joe Koczek, Commander of the Tinley Park, IL police department. He provided additional information about the BB gun involved in this incident. (He obtained the gun from the State Police Crime Lab.) The BB gun was identified as:

**Manufacturer:** Daisy Manufacturing Co.  
P.O. Box 220  
Rogers, AR 72757

**Model:** Daisy Powerline Silver Anniversary

**Lot No.:** 099613834

Additionally, the commander read the crime lab's description of the gun: "Black Silver Anniversary .880 Daisy BB caliber with chrome. Safety off. 25 inches in length. Chamber empty."

The commander said the teen who shot the victim will be with charged juvenile delinquency. He said the BB gun may be made available as a sample to CPSC if it is determined that the gun is not needed as evidence in the case.

NOTE: The commander said he discussed this case with several officers in the department who had shot BB guns and are familiar with their use and operation. He said the officers told him that the chamber for the BBs is oiled and that sometimes the BBs get stuck in the oil along the side of the chamber, which makes the gun appear to be empty when it is not.

**980313HCC2413**

**SYNOPSIS:**

A 14 year old male was killed when his friend fired a pneumatic, multi shot rifle at him and the rifle discharged a BB which hit the victim above his right eye and lodged in his brain. The victim died the next day in hospital. The victim's friend had pumped and fired the rifle several times before he aimed it at the victim, and the friend thought the rifle was empty.

**SUMMARY:**

This IDI was initiated by a MECAP report. The respondent is the commander of the Tinley Park Police Department. Because this incident was classified as a homicide, little information is available either about the events surrounding this shooting, or the actual circumstances involving this shooting as all official reports have been sealed. All information contained in this report was obtained from the verbal account provided by the Commander of the Tinley Park Police Department.

According to the respondent, on the day of the incident, March 5, 1998, a 14 year old male (victim), and a teenage friend (age unknown) went to the house of a 13 year old male who owned a BB gun. The police commander stated that the 13 year old's father had found his son with the BB gun a year ago and threw it in the garbage. The 13 year old retrieved the BB gun from the trash without his father knowing and kept it for an entire year until the day of the incident. The 14 year old victim asked the 13 year old if he wanted to sell him the BB gun and the 13 year old said he was not sure. The victim then asked if he could keep the gun for a few days and the 13 year old agreed.

It is not known either where the rifle came from, where it was purchased, or who the original owner(s) of the BB gun was. The commander did state that the gun was a .177 caliber, multi-shot, BB gun. He said the gun could only shoot BBs, however, the coroner's report (assignment), indicates in two places, that the victim was shot with a pellet. The coroner's autopsy report has not been completed so it cannot be confirmed that the victim was shot with a pellet. The commander stated that the stock of the rifle had been sawed off and the gun looked like a sawed off shot gun. The commander did not know the manufacturer and brand name of the gun, as the gun was collected by the Illinois State Police as evidence. I contacted the state police to obtain the identify of the BB gun manufacturer, but the director of the crime lab said they would not release any information about the BB gun.

**SUMMARY CONT.:**

Between 7:00 and 7:30 p.m., the 14 year old victim and his friend walked back to one of the boy's homes (the commander did not know which of the boys' homes the shooting occurred, as they were neighbors and lived only blocks away from each other. From statements made by the commander it appears the shooting occurred at the victim's home). The commander said the victim went inside the house to retrieve BBs for the gun. The victim's friend told police that the victim placed 8 BBs in the gun. He then turned and shot at the basketball net four times and gave the BB gun to his friend to shoot at the basketball net. The police said his friend fired four shots at the basketball net, although he thought he had missed one. The victim's friend then pumped the BB gun and fired it and pumped the gun and fired it again without a BB discharging. The victim's friend then shook the gun and reportedly did not hear anything that indicated a BB was still inside the gun. At that point, the telephone rang and the 14 year old victim went inside to answer the phone.

While he was inside some younger children came to the front of the house. The victim's friend took the BB gun to the front where the children were. He showed them the gun and asked if they wanted to see how powerful it was. He reportedly told one of the children to hold out their jacket so he could fire at it, and they could see the puff of air that came from the gun. One of the children said they were afraid and did not want to hold out their jackets. The victim's friend then reportedly pumped the rifle and fired into the air to show the children that the rifle was empty. He then pumped and fired and pumped and fired the BB gun again. He pumped the gun again, and at that exact moment the victim walked out of the home's front door (approximately 8 feet away), and the victim's friend turned, aimed and fired the rifle directly at the victim. At that point a projectile struck the victim just above his right eye, between his brow and the eyeball.

The victim fell to the ground and the his friend ran to him. He called 911 when he realized his friend was hurt. The 14 year old victim was transported to hospital with the projectile lodged in his brain. The victim was pronounced dead at 1:45 p.m., the next day.

**PRODUCT IDENTIFICATION:**

The product involved in this shooting incident was a .117, multi-shot BB gun. The source/place of purchase of the BB gun is unknown. It was not known if the gun had a safety. After the incident the BB gun was taken by the Illinois State Police Crime

**PRODUCT IDENTIFICATION CONT.:**

Lab as evidence. It is currently at the crime lab in Joliet, IL and cannot be viewed for examination. The lab would not release any information about the gun and did not indicate whether any testing had been performed on the gun. No further information about the BB gun involved could be obtained.

NOTE: The investigating police department does not believe this was an intentional shooting and they are preparing documents to have the incident changed from a homicide to an accident.

Mar-20-98 02:37P JAM

847/259-5781

P.02

BOB OKARSKI  
FOCR/CHO

**INCIDENT INVESTIGATION REQUEST FORM**

**DOCUMENT NUMBER:** X9832390A

**DATE OF INCIDENT:** 3-5-98 **CATEGORY ID:** TYNN43 1998

**FOLLOW-UP REQUESTED** **HAZARD ANALYSIS (X)** **SECT 15 ( )**

**TYPE FOLLOW-UP** **TELEPHONE ( )** **ON-SITE ( )**

**HEADQUARTERS CONTACT:** C. Craig Morris, Ph.D. (tel: 504-0470, x1270)  
**BACKUP:** Jay DeMarco (tel: 410 366 4751)

**ASSIGNMENT MESSAGE:**

Nonpowder guns (rifles or pistols) include BB guns, pellet guns, or combination BB/pellet guns which use a nonpowder projectile propulsion mechanism. Typical propulsion mechanisms in higher powered nonpowder guns include compressed air, involving a pump and cylinder device built into the gun, and compressed carbon dioxide, involving disposable pre-filled cylinders. Lower powered nonpowder guns generally employ a spring propulsion mechanism. CPSC files document 31 nonpowder gun-related deaths in the U.S. since 1987, all but two of which involved child victims.

Assign all deaths associated with nonpowder guns.

**Person(s) to Contact:** see attached

**Guideline:** Appendix

**Task Number:** 980313HCC2413 **Date:** 3/13/98

**Assigned to:** CHO **Requested by:** C.D.

CPSC form 324A (10/97)

MEDICAL EXAMINER CASE REPORT COOK COUNTY

CASE NO. 107 MAR.'98

DECEASED	AGE	SEX	RACE	ADDRESS	1-708-429-3610 PHONE
STEVE WILHELM	14	M	W	17740 IROQUOIS, TINLEY PARK, IL. 60471	
CLASSIFICATION DOB: 15 JULY 1983 SSN: UNAVAILABLE DELAYED FATAL / NATURAL _____ VIOLENT _____ GUNSHOT VICTIM				TYPE OF INVESTIGATION	
ADDRESS OF OCCURRENCE 17740 IROQUOIS, TINELY PARK, COOK, ILL. 60471				TYPE OF PREMISES WHERE FOUND RESIDENCE / in driveway	
TIME/DATE FOUND 1952 hours 05 MARCH 1998				POLICE AGENCY R.D. # 98-4227 TINLEY PARK POLICE	
PERSON DISCOVERING DECEASED		RELATIONSHIP		ADDRESS	PHONE
STEVE SIWIEC		FRIEND		17815 IROQUOIS	1-708-429-5823
PERSON INTERVIEWED					
COMMANDER KOCEK		TINELY POLICE		TINELY POLICE	1-708-532-9111
MRS. JODI GRANT		DCFS		406 EAST MONROE SPRINGFIELD, ILL.	1-800-252-2873
PRONOUNCEMENT: INPATIENT		PHYSICIAN:		HOSPITAL:	
DATE: 06 MAR.'98 TIME: 1345 hours		DR. DONNELLY		OLYMPIA FIELDS OSTEOPATHIC HOSPITA	
POLICE NOTIFIED		INSTITUTE NOTIFIED		ARRIVAL:	CLOSED:
DATE: 05 MARCH 1998 TIME: 1952 hours		DATE: 06 MARCH 1998 TIME: 1430 hours		DATE: 06 MARCH 1998 TIME: 1900 hours	06 MARCH 1998 2000 hours

NARRATIVE: DESCRIBE CIRCUMSTANCES SURROUNDING DEATH-PHYSICAL EVIDENCE, ETC.

TELEPHONE INVESTIGATION  
GUNSHOT VICTIM / DELAYED FATAL

Notification was made by Dr. Nacopoulos, Olympia Fields Osteopathic Hospital, regarding the expiration of a 14 year old white male who sustained a gunshot wound to the head at the above address. The subject's friend summoned the authorities. Tinely Park Police and Comed Ambulance responded. Comed transported the subject to Olympia Fields Osteopathic Hospital E.R. at 2027 hours where the subject was admitted with a gunshot wound to the head. The subject remained hospitalized until he expired and the subject was pronounced by Dr. Donnelly at 1345 hours.

In summary, Commander Kocek revealed from his preliminary investigation the following: the subject and his friend Steve Siwiec were playing in the driveway with a pellet gun that they used to shoot pellets. The subject friend thought the weapon was empty after shooting it at the basketball goal. The friend pointed it at the subject with his finger on the trigger, fired, striking the subject in the head. The pellet is lodged because the subject didn't have surgery while being hospitalized. The weapon was recovered and inventoried by Illinois State Police. R/I contacted DCFS and spoke to Jodi Grant who had no priors on the subject's family.

The body was ordered into the Institute with a police report.

Frank Sanchez #62  
REPORTING INVESTIGATOR

Sarah Nitz #248  
SUPERVISOR SIGNATURE

980313H002413

RECD  
 7/22/72  
 No Comments made  
 Comments attached  
 Exclusions/Revisions  
 Firm has not requested  
 further notice

**MR/PR/LR NOTIFIED**

1 CASE NO.	2 INVESTIGATOR'S ID	3 OFFICE CODE	4 DATE OF ACCIDENT	5 DATE INVESTIGATION INITIATED	6 SYNOPSIS OF ACCIDENT OR COMPLAINT	7 LOCATION (HOME, SCHOOL, ETC.)	8 CITY	9 STATE	10 FIRST PRODUCT	11 TRADE/BRAND NAME	12 AGE OF VICTIM	13 SEX (1-M, 2-F, 3-UNK)	14 DISPOSITION	15 INJURY DIAGNOSIS	16 BODY PART	17 RESPONDENT(S) (MOTHER, FRIEND)	18 TYPE INVESTIGATION	19 TIME SPENT	20 ATTACHMENTS	21 CASE SOURCE	22 REVIEWED BY:	DATE (YMD)	23 NARRATIVE (MORE DETAIL MAY BE INCLUDED ON SEPARATE PAGES)	24 APPROVED FOR USE THROUGH	25 OMB NO.	
940802HEP9004	5555	295	94 08 05		The 15-year-old, male victim sustained a foreign body injury when he was struck by a BB that entered his left hand between his index and middle fingers. The victim was shooting at a woodpecker that was on a rock in the back yard. One of the BB's ricocheted off the rock and hit the victim in his left hand. He was taken to the emergency room where he was treated and released. The BB was removed about a week later.	11	Mariposa	CA	1237	Daisy Eagle	1936 0000	Don't Know			56	1	3 - Mother	18 TYPE INVESTIGATION (1-ONSITE, 2-PHONE, 3-OTHER)	19 TIME SPENT	20 ATTACHMENTS	21 CASE SOURCE	22 REVIEWED BY: 3480	DATE (YMD): 879-94	23 NARRATIVE (MORE DETAIL MAY BE INCLUDED ON SEPARATE PAGES)	24 APPROVED FOR USE THROUGH 5/31/97	25 OMB NO. 3041-0029

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\*\*\*\*\* INDEPTH CATEGORY QUESTIONNAIRE \*\*\*\*\*

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\*\*\*\*\* PLEASE CONFIRM DETAILS OF ACCIDENT SCENARIO WITH ER PERSONNEL.  
\*\*\*\*\* INDEPTH ASSIGNMENT MESSAGE \*\*\*\*\*

TASK NUMBER : 940802HEP9004  
OFFICE : WESQ  
CATEGORY : PAAN011994  
HOSPITAL : 3S374055 JOHN C. FREMONT HOSPITAL, MARIPOSA, CA  
TREATMENT DATE : 940731  
COLLECTION DATE: 940801  
RECORD NUMBER : 00039217  
AGE : 015 15 YEARS  
SEX : 1 MALE  
DIAGNOSIS : 56 FOREIGN BODY  
BODY PART : 92 FINGER  
DISPOSITION : 1 TREATED & RELEASED, OR EXAMINED & RELEASED WITHOUT TRTMT  
FIRST PRODUCT : 1237 GAS, AIR OR SPRING-OPERATED GUNS  
SECOND PRODUCT : 0000 NO SECOND PRODUCT INVOLVEMENT  
THIRD PRODUCT : 0 CLOSURE TYPE UNKNOWN OR N.A. & 3RD PROD NOT INVOLVED  
LOCALE : 1 HOME  
F/M VEHICLE : 0 NO MOTOR VEHICLE; NO FIRE INVOLVEMENT  
OCCUPATIONAL : 2 INJURY NOT OCCUPATIONAL OR WORK-RELATED

\*\*\*\*\* NEISS COMMENT \*\*\*\*\*

15 YEAR OLD MALE ACCIDENTALLY HAD BB'S LODGED IN HIS FINGER. DX: BB I  
N MIDDLE FINGER.

8

WESA

RECORD OF TELEPHONE CALLS FOR BB GUN STUDY

Task Number 940802 HEP 9004 Interviewer 5555

Record of Calls

PACIFIC

Date	Day of Week	Time	Result*	Date	Day of Week	Time	Result*
8/3	Fri	6:30	NA				
8/4	TUES	4:40	NA				
8/10	WED	9:02 pm	(CR)				

\*=Completed    CB=Call Back    LB=Line Busy    WN=Wrong Number  
NWN=Non-working Number    NA=No Answer    R=Refused  
NER=No Eligible Respondent

Suggested call back time: Day: \_\_\_\_\_ Time: \_\_\_\_\_ AM/PM

Task Number: 940802HEP9004  
Date of Interview: 940810

BB GUN STUDY DATA RECORDING FORM

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VICTIM'S AGE FROM THE NEISS RECORD:

(CHECK ONE:)

- ☐ 18 Years or older (ASK TO SPEAK WITH THE VICTIM; THEN PROCEED TO Q 1.)
- ☒ Under 18 Years (ASK TO SPEAK WITH THE VICTIM'S PARENT OR GUARDIAN. WHEN CONTACT IS MADE, RECORD THE RESPONDENT'S RELATIONSHIP TO VICTIM BY CHECKING THE APPROPRIATE CHOICE BELOW. PROBE IF NECESSARY. THEN PROCEED TO Q 1.)
- ☒ Parent
- ☐ Guardian
- ☐ Other (SPECIFY): \_\_\_\_\_

\*\*\*\*\*

1. Hello. I'm \_\_\_\_\_ with the U.S. Consumer Product Safety Commission. In cooperation with \_\_\_\_\_ hospital we're doing a special study on BB and pellet gun injuries. The Commission is interested in learning more about these incidents, so that we can try to reduce the number and seriousness of injuries that occur.
2. Would you answer some questions so that we can learn how these incidents happen? The information that we are collecting will be used for statistical purposes only. Of course, your responses will be confidential and no names will be used in any report. This interview should take less than 10 minutes to complete. (CIRCLE RESPONSE)  
0 No (ASK IF ANOTHER TIME WOULD BE BETTER AND SET UP A CALL-BACK TIME: \_\_\_\_\_)  
(1) Yes

3. I understand that \_\_\_\_\_ was treated at the emergency room on \_\_\_\_\_ (date) for a BB or pellet gun injury. Is that correct?  
0 No (RESOLVE REASONS FOR INCONSISTENCY: \_\_\_\_\_)

☒ 1 Yes

9 Don't know (ASK IF ANOTHER TIME WOULD BE BETTER AND SET UP A CALL-BACK TIME: \_\_\_\_\_)

\*\*\*\*\*  
INTERVIEWER: THANK RESPONDENT AND END INTERVIEW IF THERE WAS NO INJURY OR IF INJURY WAS NOT RELATED TO A BB OR PELLET GUN; OTHERWISE CONTINUE.  
\*\*\*\*\*

4. Specifically, what type of gun was involved--a BB gun, pellet gun, or other type of gun? (CIRCLE RESPONSE)

1 BB Gun (shoots small round shot)

2 Pellet Gun (shoots small, non-cylindrical pellets or darts)

☒ 3 BB/Pellet Gun (shoots either BB's or pellets)

4 BB or Pellet Gun--not sure which

7 Other Gun (SPECIFY): \_\_\_\_\_

(IF A FIREARM, THANK RESPONDENT AND END INTERVIEW)

9 Respondent does not know the type of gun involved  
(THANK RESPONDENT AND END INTERVIEW)

5. How would you describe the gun--was it a pistol, a rifle, or something else? (CIRCLE RESPONSE)

1 Pistol

☒ 2 Rifle

7 Other (SPECIFY): \_\_\_\_\_

9 Don't know

6. Was a gas canister (that is, CO<sub>2</sub>) required to shoot the gun? (CIRCLE RESPONSE)

☒ 0 No

1 Yes (SKIP TO Q 9)

9 Don't know

7. Did the gun have to be pumped before shooting it? (CIRCLE RESPONSE)

0 No (SKIP TO Q 9)

☒ 1 Yes

9 Don't know (SKIP TO Q 9)

8. Was it possible to pump the gun more than once before shooting it? (CIRCLE RESPONSE)

0 No

☒ 1 Yes

9 Don't know

9. What was the muzzle velocity the gun? This information may have been on the packaging of the gun or on a hangtag or label when the gun was purchased. (SPECIFY; IF RESPONDENT DOESN'T KNOW, WRITE IN "DON'T KNOW")

Don't Know feet per second

10. What were the manufacturer and model of the gun? (SPECIFY; IF RESPONDENT DOESN'T KNOW, WRITE IN "DON'T KNOW")

Manufacturer: Daisy

Model: Eagle

11. How did the injury happen? (RECORD THE RESPONDENT'S NARRATIVE OF THE INCIDENT. PROBE FOR THE IMMEDIATE ACTIVITIES LEADING UP TO THE INCIDENT, DETERMINING THE ACTIONS OF THE VICTIM AND THE PERSON HANDLING THE GUN. INDICATE IF THE RESPONDENT WITNESSED THE INCIDENT.)

The 15 year old male victim was shooting a wood pecker on a rock in his yard with a BB/Pellet gun. The victim was standing between 15 and 20 feet away, and using BB's. One of the BB's which he shot hit the rock and ricocheted back, hitting the victim's left hand, which was holding the barrel of the rifle. The victim sustained a foreign body injury when the BB lodged in his left hand between his index and middle fingers. The victim went inside his house, applied pressure to stop the bleeding, cleaned the wound, and waited for his mother to come home from work. His mother came home and took him to the emergency room. At the emergency room, X-Rays were taken, but because of insurance reasons, the BB was not removed for a week when the victim would be at his father's house. A week later, the BB was removed and the wound received 2 or 3 stitches. The victim has recovered from the injury.

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INTERVIEWER: IF THE PERSON HANDLING THE GUN WAS THE VICTIM, AND WAS UNDER AGE 16, SKIP TO Q 15;

IF THE PERSON HANDLING THE GUN WAS THE VICTIM, AND WAS AGE 16 OR OLDER, SKIP TO Q 16;

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12. When the injury occurred, about how far away was the victim from the gun--fairly close, say less than 10 feet, or was the victim farther away?
- 1 Less than 10 feet
  - ☒ 2 10 feet or farther
  - 7 Other (SPECIFY): \_\_\_\_\_
  - 9 Don't know
13. About how old was the person handling the gun? (SPECIFY YEARS OR CIRCLE RESPONSE)
- 15 Years (IF UNDER AGE 16, SKIP TO Q 15;  
IF 16 OR OLDER, SKIP TO Q 16)
- 99 Don't know
14. Was the person handling the gun under age 16, or was the person older? (CIRCLE RESPONSE)
- 1 Under 16
  - 2 16 Years or older (SKIP TO Q 16)
  - 9 Don't know
15. Was an adult (that is, someone age 18 or older) present when the incident happened? (CIRCLE RESPONSE)
- ☒ 0 No adult was present
  - 1 Yes, an adult was present
  - 9 Don't know
16. Whose gun was it--the victim's, the person handling the gun's, or some other person's? (CIRCLE RESPONSE)
- ☒ 1 Victim's (IF VICTIM WAS AGE 16 OR OLDER, THANK RESPONDENT AND END INTERVIEW)
  - 2 Person handling the gun (not the victim) (IF HANDLER WAS AGE 16 OR OLDER, THANK RESPONDENT AND END INTERVIEW)
  - 7 Other (SPECIFY RELATIONSHIP TO VICTIM; E.G., FRIEND, RELATIVE, ETC.): \_\_\_\_\_
  - 9 Don't know
17. About how old was the owner of the gun? (SPECIFY YEARS OR CIRCLE RESPONSE)
- 15 Years (IF AGE 16 OR OLDER, THANK RESPONDENT AND END INTERVIEW; IF UNDER AGE 16, SKIP TO Q 19)
- 99 Don't know
18. Was the owner of the gun under age 16 or was the owner older?
- 1 Under age 16
  - 2 Age 16 or older (THANK RESPONDENT AND END INTERVIEW)
  - 9 Don't know

19. Did the gun's owner purchase the gun alone, with the help of an adult, or was the gun was received as a gift? (CIRCLE RESPONSE)

1 Purchased the gun alone

2 Purchased the gun with the help of an adult (SPECIFY RELATIONSHIP OF ADULT TO VICTIM; E.G., PARENT, GUARDIAN, OLDER BROTHER) Parent

3 Received the gun as a gift

7 Other \_\_\_\_\_

9 Don't know

Thank you very much for help in this effort to prevent similar injuries to others.

Original 15 MAR 1991 8.4

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1 CASE NO. 910116HEP9002  
2 INVESTIGATOR'S ID 0988  
3 OFFICE CODE CENP  
4 DATE OF ACCIDENT Y M D 901226  
5 DATE INITIATED YR MO DAY 910206  
6 SYNOPSIS OF ACCIDENT OR COMPLAINT  
The 4 year old female victim and her 9 year old male cousin were in the bedroom of the victims 14 year old brother. No other persons were present. The 9 year old cousin got a new 2 day old hand pump operated BB rifle gun from the top shelf of the older brother's closet. The 9 year old cousin operated the hand pump of the BB gun and left the safety device off with the gun on the floor. The victim reached out to pick up the gun and the gun went off with a BB entering and going through the left lung and spleen of the victim lodging near the victim's stomach. The victim was operated on at the ER and has recovered completely.  
7 LOCATION (HOME, SCHOOL, ETC.) 8 CITY 9 STATE  
Bedroom Kansas City KS  
10 FIRST PRODUCT 11 TRADE/BRAND NAME  
Daisy, model unk, pump action  
12 AGE OF VICTIM 13 SEX (1-M, 2-F, 3-UNK) 14 DISPOSITION 15 INJURY DIAGNOSIS  
62  
16 BODY PART 17 RESPONDENT(S) (MOTHER, FRIEND) 18 TYPE INVESTIGATION 19 TIME SPENT  
31 Victim's Mother 20 (1-ONSITE, 2-PHONE, 3-OTHER) 21 CASE SOURCE 22 REVIEWED BY: 0743  
None 23 DATE (YMD) 910306

MFR/PRVLR NOTIFIED 2/21/92  
No Comments made  
Comments attached  
Excisions/Revisions  
Firm has not requested further notice

DATE 24/01/91

NEISS INDEPTH ASSIGNMENT QUESTIONNAIRE

PAGE 1

\*\*\*\*\* INDEPTH ASSIGNMENT MESSAGE \*\*\*\*\*

TASK NUMBER : 910116HEP9002  
OFFICE : CENQ  
CATEGORY : TYSN051991  
HOSPITAL : 6K511042 MENORAH MEDICAL/ KANSAS CITY, MO  
TREATMENT DATE : 901226  
COLLECTION DATE: 910111  
RECORD NUMBER : 00940792  
AGE : 004 4 YEARS  
SEX : 2 FEMALE  
DIAGNOSIS : 62 INTER ORGAN INJURY  
BODY PART : 31 UPPER TRUNK  
DISPOSITION : 4 TREATED & ADMITTED FOR HOSPITALIZATION, HOSPITALIZED  
FIRST PRODUCT : 1237 GAS, AIR OR SPRING-OPERATED GUNS  
SECOND PRODUCT : 1936 BB'S OR PELLETS  
THIRD PRODUCT : 0 CLOSURE TYPE UNKNOWN OR N.A. & 3RD PROD NOT INVOLVED  
LOCALE : 1 HOME  
F/M VEHICLE : 0 NO MOTOR VEHICLE; NO FIRE INVOLVEMENT  
OCCUPATIONAL : 2 INJURY NOT OCCUPATIONAL OR WORK-RELATED

\*\*\*\*\* NEISS COMMENT \*\*\*\*\*

PLAYING WITH BROTHER'S BB GUN AND ACCIDENTLY SHOT SELF WITH GUN.  
INJURIES TO LEFT LUNG, SPLEEN AND STOMACH.

910116 HEP9002 - Narrative - BB gun (1237)/BB (1936)

Note: Victim's mother is respondent and did not witness incident, but she did discuss with victim, victim's cousin (9 year old male who got BB<sup>rifle</sup> gun from closet), and victim's older brother (14 year old male who did not witness incident, but incident occurred in 14 year old male bedroom).

Pre-Accident: The hand pump BB<sup>rifle</sup> gun had been given to the victim's 14 year old male (older brother) as a Christmas present the day before the injury date. Victim's mother states that the 14 year old brother had been instructed to store the new hand pump on the upper shelf up and above the reach of the 4 year old female victim. The 14 year old brother was not in the bedroom at the time of the incident. The 9 year old cousin was visiting for the day.

About 6:15pm the victim and her 9 year old male cousin were in the bedroom of the victim's 14 year old brother with no one else in the room at the time. The 9 year old cousin took the new hand pump BB<sup>rifle</sup> gun down from the<sup>top</sup> shelf of the closet in the brother's bedroom. The cousin operated the hand pump BB<sup>rifle</sup> gun and had taken the safety off the BB<sup>rifle</sup> gun. The BB<sup>rifle</sup> gun was on the floor of the bedroom and the 4 year old female victim reached out to pick up the BB<sup>rifle</sup> gun.

Accident: When the 4 year old female victim picked up the BB<sup>rifle</sup> gun and the gun went off. The BB from the gun entered the victim's left lung, went through the victim's spleen to lodge near the victim's stomach. The victim was taken to the emergency room where the BB was removed and has recovered ok. The BB<sup>rifle</sup> gun was discarded and the box that the gun came in was thrown out after the injury.

910116 HEP9002 - Narrative - BB Gun(1237) / BB(1936)

Post Accident; The 4 year old female victim had the BB shot from the BB<sup>rifle</sup> gun removed at the Emergency Room. The victim has recovered fully since the injury without any after effects. Neither the BB<sup>rifle</sup> gun nor the box that it came in are available for examination (Both were discarded after the incident).

Product Identification; The new 2 day old hand pump operated BB<sup>rifle</sup> gun (received as a gift for the 14 year old brother of the victim) was manufactured by Daisy. The model and serial number are not available since the BB<sup>rifle</sup> gun was discarded after the incident. Also, the box that the gun was packaged in was also thrown out after the incident. The type or manufacture of BB's is unknown.

Attachments; None.

JUL 17 1996

## CONSUMER PRODUCT INCIDENT REPORT

1. NAME OF RESPONDENT <u>Mike Riley</u> <u>Atterbury Riley + Luebke SC</u>		2. TELEPHONE NO. (Home) _____ (Work) <u>(608) 257-4715</u>	
3. STREET ADDRESS <u>700 Regent St. Ste 201</u>		4. CITY STATE ZIP CODE <u>Madison WI 53715</u>	
5. DESCRIBE ACCIDENT SITUATION OR HAZARD, INCLUDING DATA ON INJURIES. (Use second page if necessary.)  <u>11 year old boy was cocking the BB gun. It slipped and discharged. He did not touch the trigger. The safety was on. The boy's father was supervising at the time, + saw the accident.</u>			
6. DATE OF INCIDENT(S) <u>5/96</u>	7. IF INJURY OR NEAR MISS, OBTAIN AGE <u>11</u> SEX <u>M</u> AND DESCRIBE INJURY <u>tear to the eye</u>	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME _____ RELATIONSHIP <u>client</u>	
9. DESCRIPTION OF PRODUCT <u>BB gun</u> <u>Daisy Air Rifle -- Red Ryder</u>		10. BRAND NAME <u>Daisy</u>	
11. MANUFACTURER/DISTRIBUTOR NAME, ADDRESS & PHONE <u>Daisy Manufacturing</u> <u>(address + phone currently unknown)</u>		12. MODEL, SERIAL NO.'S <u>Red Ryder</u>	
		13. DEALER'S NAME, ADDRESS & PHONE <u>Shopko</u> <u>2101 W. Broadway</u> <u>Monona, WI 53713</u> <u>(608) 222-6010</u>	
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES _____ NO <u>✓</u> IF YES, BEFORE OR AFTER THE INCIDENT? _____ Describe _____		15. PRODUCT PURCHASED NEW <u>✓</u> USED _____ DATE PURCHASED <u>7/9/95</u> AGE _____	
		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: <u>Not addressing this situation</u>	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES _____ NO <u>X</u> IF NOT, DO YOU PLAN TO CONTACT THEM? YES <u>X</u> NO _____ OTHER _____		18. IS THE PRODUCT STILL AVAILABLE? YES <u>✓</u> NO _____ IF NOT, ITS DISPOSITION _____	
19. MAY WE USE YOUR NAME WITH THIS REPORT? YES <u>X</u> NO _____			
FOR ADMINISTRATION USE			
20. DATE RECEIVED	21. RECEIVED BY (Name & Office)		22. DOCUMENT NO.
23. FOLLOW-UP ACTION			24. PRODUCT CODE(S) <u>1237</u>
25. DISTRIBUTION	26. ENDORSER'S NAME & TITLE		

AR  
&L

ATTERBURY, RILEY & LUEBKE, S.C.

ATTORNEYS AT LAW

ETD 1/18 R  
C 9665023

LEE R. ATTERBURY  
MICHAEL RILEY  
MICHAEL J. LUEBKE

OF COUNSEL  
E.M. SWINGEN

700 Regent Street,  
Suite 201  
Madison, WI 53715  
(608) 257-4715  
(800) 817-3729  
(608) 257-1727 Fax

Mailing address:  
P.O. Box 2539  
Madison, Wisconsin  
53701-2539

e-mail - arl@earth.execpc.com

http://www.execpc.com/~arl/

CPSC/OFC OF THE SECRETARY  
FREEDOM OF INFORMATION  
1976 JUN 17 P 3:11  
JUL 9 1996

15  
Jay

[REDACTED]

A15

June 14, 1996

Consumer Product Safety Commission  
Office of the Secretary  
Washington, D.C. 20207

RE: Daisy Air Rifle

To Whom it May Concern:

1237

We are looking for any information that pertains to problems with Daisy air rifles discharging without the trigger being pulled. Our client's Daisy air rifle discharged when the lever slipped after the gun was cocked; the safety was on at the time.

tc/1  
EXC/1

Any information regarding this product and this or similar problems would be helpful.

Thank You,

Becky Orvick

Becky Orvick

5-6060104  
606105

## CALLS TO LAWYERS

IDENTIFICATION C 966 5023

CITY/STATE MADISON, WI

DATE OF INCIDENT 5/96

TYPE OF INJURY TEAR TO THE EYE

AGE/SEX 11 / MALE

SCENARIO (1 sentence) Victim air rifle discharged when the lever slipped after the gun was cocked, the safety latch was on at the time.

(NO ADDITIONAL INFO)

Am

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Rebecca Owick  
Signature

7/23/96  
Date

☐

I request that you do not release my name.

☐

You may release my name to the manufacturer but I request that you not release it to the general public.

☒

You may release my name to the manufacturer and to the public.

I-41  
C 9665023

B-40  
10-21 cd

# CONSUMER PRODUCT INCIDENT REPORT

7 AUG 1991

1. NAME OF RESPONDENT Claudia Quinn		2. TELEPHONE NO. (Home) 952-7224 (415) 761-0506 (Work) 415-615-9950	
3. STREET ADDRESS 6 Los Flores		4. CITY STATE ZIP CODE South San Francisco, CA 94080	
5. DESCRIBE ACCIDENT SITUATION OR HAZARD, INCLUDING DATA ON INJURIES. (Use second page if necessary.)  Respondent's son was struck in eye by BB or pellet from air rifle as he was walking to a baseball game. South San Francisco Police investigated the incident and have information on the air rifle and incident scenario. Police Report # 91-01-28-032.			
6. DATE OF INCIDENT(S) 1-28-91	7. IF INJURY OR NEAR MISS, OBTAIN AGE 15 SEX Male AND DESCRIBE INJURY eye	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME Eric Fagundes RELATIONSHIP son	
9. DESCRIPTION OF PRODUCT Air Rifle		10. BRAND NAME Daisy	
11. MANUFACTURER/DISTRIBUTOR NAME, ADDRESS & PHONE Unknown		12. MODEL, SERIAL NO.'S Unknown	
		13. DEALER'S NAME, ADDRESS & PHONE Unknown	
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES NO IF YES, BEFORE OR AFTER THE INCIDENT? N/A Describe		15. PRODUCT PURCHASED NEW USED DATE PURCHASED Unknown AGE Unknown	
		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE:	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES NO X IF NOT, DO YOU PLAN TO CONTACT THEM? YES NO OTHER		18. IS THE PRODUCT STILL AVAILABLE? YES NO X IF NOT, ITS DISPOSITION Police	
		19. MAY WE USE YOUR NAME WITH THIS REPORT? YES X NO	
FOR ADMINISTRATION USE			
20. DATE RECEIVED June 14, 1991	21. RECEIVED BY (Name & Office) Larry Cornell, FOWR		22. DOCUMENT NO. F160124
23. FOLLOW-UP ACTION IDI		24. PRODUCT CODE(S) 1237	
25. DISTRIBUTION O: EPDS cc: FOWR		26. ENDORSEER'S NAME & TITLE Larry Cornell, Program Officer	

3

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

---

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Claudia Quinn 8-13-91  
Signature Date

☐

I request that you do not release my name.

☐

You may release my name to the manufacturer but I request that you not release it to the general public.

☒

You may release my name to the manufacturer and to the public.

7 AUG 1991

CONSUMER PRODUCT INCIDENT REPORT

NOV -9 1993

1. NAME OF RESPONDENT <u>[REDACTED]</u>		2. TELEPHONE NO. <u>[REDACTED]</u> (Work)	
3. STREET ADDRESS <u>[REDACTED] ST.</u>		CITY <u>Little Rock</u> STATE <u>AR</u> ZIP CODE <u>72201</u>	
4. DESCRIBE ACCIDENT SITUATION OR HAZARD, INCLUDING DATA ON INJURIES. (Use second page if necessary.) <u>This atty's 7yo. male client was paralyzed when he was shot by a BB rifle laying on a bed where 2 other boys (ages 9+8) played with the gun - the boys [REDACTED] was shot in the heart - they (the boys) thought the gun</u>			
5. DATE OF INCIDENT(S) <u>1/3/92</u>	7. IF INJURY OR NEAR MISS, OBTAIN AGE <u>7</u> SEX <u>M</u> AND DESCRIBE INJURY <u>SHOT IN HEART</u>	6. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME <u>[REDACTED]</u> RELATIONSHIP <u>CLIENT</u>	
8. DESCRIPTION OF PRODUCT <u>DAISY 880 Powerline BB Rifle</u>		10. BRAND NAME <u>DAISY</u>	
11. MANUFACTURER/DISTRIBUTOR NAME, ADDRESS & PHONE <u>DAISY MFG. CO.</u> <u>Rogers, AR.</u>		12. MODEL, SERIAL NO.'S <u>880 BB Rifle Powerline</u>	
		13. DEALER'S NAME, ADDRESS & PHONE <u>K. MART</u> <u>SERVICE Merchandise Store</u>	
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES <u>NO</u> <u>X</u> IF YES, BEFORE OR AFTER THE INCIDENT? <u>N/A</u> Describe <u>N/A</u>		15. PRODUCT PURCHASED NEW <u>X</u> USED <u>NO</u> DATE PURCHASED <u>10/91</u> AGE <u>10 years</u> <u>1 yr.</u>	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES <u>X</u> NO <u>NO</u> IF NOT, DO YOU PLAN TO CONTACT THEM? YES <u>NO</u> OTHER <u>NO</u>		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: <u>NO</u>	
18. IS THE PRODUCT STILL AVAILABLE? YES <u>X</u> NO <u>NO</u> IF NOT, ITS DISPOSITION <u>NO</u>		19. MAY WE USE YOUR NAME WITH THIS REPORT? YES <u>X</u> NO <u>NO</u>	
FOR ADMINISTRATION USE			
20. DATE RECEIVED <u>1/2/93</u>	21. RECEIVED BY (Name & Office) <u>DE MARCO, CO, CRLA.</u>		22. DOCUMENT NO. <u>X3B0883</u>
23. FOLLOW-UP ACTION <u>F/U LDI p/s. w/ atty!</u>			24. PRODUCT CODE(S) <u>1237</u>
25. DISTRIBUTION		26. ENDORSEER'S NAME & TITLE	

CPSC FORM 175 (9/88)

MFR/PRVLR NOTIFIED 4/2/98  
☒ No Comments Made  
☐ Comments attached  
☐ Excisions/Revisions  
☒ Firm has not requested further notice

was empty. They could not see a  
BB in the firing Chamber.'

DEC 20 1993

8

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

[REDACTED]

5/3/94  
Date

☒

I request that you do not release my name.

☐

You may release my name to the manufacturer but I request that you not release it to the general public.

☐

You may release my name to the manufacturer and to the public.

X3B0883  
Issue 6  
1237

MFR/PRVLR NOTIFIED

No Comments made  
Comments attached  
Excisions/Revisions  
Firm has not requested  
further notice

MEDICAL EXAMINER'S CORONER'S REPORT FORM

32  
XO 73655 A

Date of accident 7-22-90 Date of death 7-22-90

Type of consumer product involved BB gun (1237)

Manufacturer, Model, Brand name, and Serial No. of product

Daisy

Is product available for examination? yes no. If yes, where?

Brief description of accident sequence: (PLEASE INCLUDE THE AGE AND SEX OF THE VICTIM(S) AND THE CITY AND STATE IN WHICH THE ACCIDENT OCCURRED)

A 5 year old boy was accidentally shot with a BB-gun. His 9 year old brother was trying to quiet a noisy dog and the 5 year old ran in his line of fire. The BB entered the child's temple and travelled across his brain, killing him.

Boulder County, Utah

Concise information: Please include the name, address and telephone number of any state/local personnel who investigated the accident.

Medical Examiner's/Coroner's Case No. \_\_\_\_\_

Reporter's Name Rudi Diet Date Reported 7-27-90

Reporter's Off. (incl. city, county, and state) Salt Lake City, Utah

Medical Examiner's/Coroner's Name Dr. Todd Grey

To report a case by telephone, call (toll free) 1-800-338-3095. Say "THIS IS A WECAP REPORT". You will then be placed in contact with the WECAP Project Manager, who will ask for the information noted above.

For processing at CTRC:

Report sent by: KHW

Chief Med. Exam. Inc. (X)

Copy for WECAP News ( )

Regular WECAP ( )

Comments No. \_\_\_\_\_

AUG 1 1990

EPDS

MFR/PRVLBR NOTIFIED

No Comments made

Comments attached

Excisions/Revisions

Firm has not requested

further notice

6042

MEDICAL EXAMINER'S/CORONER'S REPORTING FORM

Date of accident 12/29/87 Date of death 12/29/87

Type of consumer product involved R. R. Gun

Manufacturer, Model, Brand name, and Serial No. of product

Is product available for examination? yes no. If yes, where?

Brief description of accident sequence: (PLEASE INCLUDE THE AGE AND SEX OF THE VICTIM(S) AND THE CITY AND STATE IN WHICH THE ACCIDENT OCCURRED)

A 14-year-old boy was killed while  
playing with a BB gun with a friend. The friend  
aimed to the victim and shot him in the  
chest.

Case # 27-1146 45 ME - 813-272-6577

Rel - Ph: 813-225-5806

Contact Information: Please include the name, address and telephone number of any state/local personnel who investigated the accident.

EPDS

JAN 4 1988

EPDS

Medical Examiner's/Coroner's Case No. \_\_\_\_\_

Reporter's Name Jack Hall Date Reported 12/31

Reporter's Off. (incl. city, county, and state) Tampa FL

Medical Examiner's/Coroner's Name Dr. Peter Kardinal

To report a case by telephone, call (toll free) 1-800-638-8095. Say "THIS IS A MECAP REPORT." You will then be placed in contact with the MECAP Project Manager, who will ask for the information noted above.

For processing at CPSC: Report recd. by: Tami Wright

Chief Med. Exam. Rpt. X Copy for MECAP News ( )  
Regular MECAP Document No. \_\_\_\_\_

Assignment Task No. \_\_\_\_\_

MFR/PRVLBR NOTIFIED

No Comments made

Comments attached

Excisions/Revisions

Firm has not requested

further notice

No Comments made

Comments attached

Excisions/Revisions

Firm has not requested

further notice

10/7/88

10/7/88

10/7/88

10/7/88

10/7/88

10/7/88

# CONSUMER PRODUCT INCIDENT REPORT

JAN 03 1996

1. NAME OF RESPONDENT Robert Pasanto		2. TELEPHONE NO. (Home) (Work) 423-429-5383	
3. STREET ADDRESS PO Box 371		4. CITY STATE ZIP CODE Pidgeon Forge TN 37868	
5. DESCRIBE ACCIDENT SITUATION OR HAZARD, INCLUDING DATA ON INJURIES. (Use second page if necessary.) Consumer's son was shot with a BB gun just above his eye. Gun and pellets were displayed in store and out for anyone to handle. Gun was loaded sitting on counter and another customer shot victim.			
6. DATE OF INCIDENT(S) 12/26/95	7. IF INJURY OR NEAR MISS, OBTAIN AGE 9 SEX M AND DESCRIBE INJURY Puncture	8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME RELATIONSHIP	
9. DESCRIPTION OF PRODUCT Pump Air Rifle		10. BRAND NAME Daisy	
11. MANUFACTURER/DISTRIBUTOR NAME, ADDRESS & PHONE		12. MODEL, SERIAL NO.'S Quick Silver	
		13. DEALER'S NAME, ADDRESS & PHONE Walmart	
14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES NO IF YES, BEFORE OR AFTER THE INCIDENT? Describe UNIK		15. PRODUCT PURCHASED NEW USED DATE PURCHASED 1/1/96 AGE	
		16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE:	
17. HAVE YOU CONTACTED THE MANUFACTURER? YES NO X IF NOT, DO YOU PLAN TO CONTACT THEM? YES NO X OTHER		18. IS THE PRODUCT STILL AVAILABLE? YES NO IF NOT, ITS DISPOSITION	
19. MAY WE USE YOUR NAME WITH THIS REPORT? YES X NO			
FOR ADMINISTRATION USE			
20. DATE RECEIVED	21. RECEIVED BY (Name & Office)		22. DOCUMENT NO. X9611063
23. FOLLOW-UP ACTION			24. PRODUCT CODE(S) 1237
25. DISTRIBUTION		26. ENDORSER'S NAME & TITLE	

JAN 25 1996

Q M

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

On Dec. 26th, 95 Consumer's son was shot by a customer in a Wal Mart store with a pellet rifle. He was shot just below the eye with a .177 pellet. Merchandise was displayed openly. Rifles were out of their cases and open containers of BB + Pellets were on the shelf for anyone to play with. There's a sign that reads you must be 16 yrs old to purchase an air rifle or BB's. Apparently though you can be ages one to 16 to play with them.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

[Signature]  
Signature

1/28/96  
Date

☐

I request that you do not release my name.

☐

You may release my name to the manufacturer but I request that you not release it to the general public.

☒

You may release my name to the manufacturer and to the public.

I. 14

X 9611063

15  
MFR/PRVLBR NOTIFIED

1021  
December 2, 1993

EPD 4  
DEC 22 1994

☒ No Comments made  
☒ Comments attached  
☒ Excisions/Revisions  
☒ Firm has not requested further notice

Consumer Product Safety Commission  
Westwood Towers  
5401 Westbard Avenue  
Bethesda, Maryland 20816

11-13-94  
MFR/PRVLBR NOTIFIED

2-3-97  
☒ No Comments made  
☒ Comments attached  
☒ Excisions/Revisions  
☒ Firm has not requested further notice

The purpose of this letter is to express my concern regarding the easy availability of imitation, look-a-like handguns being sold in many department stores in the U.S. including my State of Virginia.

During this year I have visited retail stores in many States to include my State of Virginia and was appalled to find these dangerous weapons are being sold to juveniles. The department stores I visited were K-Mart, Wal-Mart and Roses. In early June I dispatched letters to their Presidents outlining my observations and concern regarding the danger such weapons pose to the public, the police and school systems. I suggested that it would be in the public interest and a good will gesture on their part if they would cease selling to juveniles. Only one response was received. The response from Roses is enclosed and is self-explanatory. It is in response to my letter of June 16th which is also enclosed. Upon visiting many stores the following are a few examples of imitation handguns I found.

a. Crosman air gun 357 "Six" CO2 ten-shot revolver which sells for \$39.97. 6 inch steel rifled barrel. .177 Cal with velocity of 435 FPS. Warning notices on product: May cause serious injury or death up to 400 yards. Adult supervision required. For use by those 16 years of age and older.

b. Daisy Powerline 1200, CO2 powered BB pistol selling for \$29.97. Smooth bore steel barrel. 60 shot magazine with velocity of 420 FPS. Warning notices on product: Should be used by persons 16 years and older with adult supervision. May be dangerous up to 240 yards.

c. Marksman, 1020 Air Pistol which sells for \$17.67. This is a .177 Caliber that shoots 18 pellets without reloading and is a look-a-like of the Cal .45 handgun I used while on active military duty. Warning notices on product: May be dangerous up to 175 yards. Not a toy, adult supervision required. May cause serious injury. Intended for use by those 14 years or older with adult supervision.

d. Daisy Powerline 45 pellet repeater selling for \$48.97. 13 shot clip with a velocity of 400 FPS. 5 inch rifled steel barrel. Warning notices on product: Should only be used by persons 16 years of age and older with adult supervision. May cause serious injury or death up to 240 yards.

As you know we are experiencing a tremendous surge of gun related crimes being committed by juveniles. As you also know it is illegal to sell real handguns to persons under 21 years of age, therefore many are electing to purchase imitation look-a-likes. The anticipated enactment of stricter Federal control legislation now under consideration and stricter controls being enacted in many States will create a temptation for minors, and others under 21 to obtain imitation handguns. The low cost and easy availability will appeal to those inclined to commit crimes and introduce into the schools.

I suspect there are stores in addition to those I visited that sells dangerous imitation handguns, and I am sure there are other types of imitation handguns being sold in addition to those listed above.

Could your office look into this from a safety and consumer standpoint and advise me what your office can do to help correct this problem? Please advise.

2 Enclosures:  
as stated.

Sincerely,



Howard Whitaker  
Colonel, U.S. Army Retired  
123 Harrop's Glen  
Williamsburg, VA 23185

June 16, 1993

Mr. George L. Jones  
President and CEO  
Roses Stores, Inc  
P.O. Drawer 947  
Henderson, NC 27536

Dear Mr. Jones:

The purpose of this letter is to request you consider discontinuing the sales of air pistols to juveniles in your stores. Such actions would be in the public interest.

Upon shopping in your store in Williamsburg, Virginia I was appalled to find imitation look-a-likes of many types of handguns which can be purchased by juveniles. An example is the 4.5 mm 1010 Marksman Air Pistol which can expel 18 rounds of steel BBs and pellets without reloading. This dangerous weapon can cause injuries up to 175 yards. The manufacturer advertises the weapon as not a toy and is intended for use by persons 14 years of age and older under adult supervision. As you know it is illegal for persons under 21 years of age to purchase real handguns, therefore it is tempting for youngsters to purchase the easily concealable imitation guns.

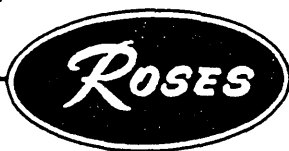
Gun related crimes committed by juveniles are escalating in our country in both rural and urban localities posing serious threats to the public, the police and our school systems. For public safety reasons it would be a good will gesture on your part if you ceased selling these products or at least curb the sales to juveniles.

Your response is solicited.

Respectfully yours,



Howard Whitaker  
Colonel, U.S. Army Retired  
123 Harrop's Glen  
Williamsburg, VA 23185



P.O. DRAWER 947 HENDERSON, N.C. 27536

*Rose's* STORES, INC.

EXECUTIVE & BUYING OFFICE  
TELEPHONE 919-430-2600  
ACCOUNTING OFFICE & WAREHOUSE  
TELEPHONE 919-430-2100

August 30, 1993

Colonel Howard Whitaker  
U. S. Army Retired  
123 Harrop's Glen  
Williamsburg, VA 23185

Dear Colonel Whitaker:

I am responding to the letter that you wrote to Mr. George Jones, our President and CEO, regarding the sale of our pistols to individuals under a certain age. Mr. Jones forwarded your letter to me for review.

We currently are following all Federal, State and Local regulations concerning the sale of such items. It is not our current plan to begin to impose an age restriction for our customers. If such regulations were to be legally imposed, we certainly would maintain strict compliance at that time.

I certainly respect your concerns and appreciate your taking the time to write to us.

Sincerely,

ROSE'S STORES, INC.

Rob Gruen,  
Senior Vice President, Merchandising

RG/cmw

JUN 22 1994

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Howard K Whitaker  
Signature

7/3/94  
Date

☐

I request that you do not release my name.

☐

You may release my name to the manufacturer but I request that you not release it to the general public.

☒

You may release my name to the manufacturer and to the public.

ISSUE 12

C3C0014

1237

JUN 21 1993

LAW OFFICES OF  
ABRAHAM MOSS2210 TEXAS COMMERCE PLAZA  
CORPUS CHRISTI, TEXAS 78470ABRAHAM MOSS  
JEFFREY W. SCHMIDTTELEPHONE: (512) 888-4745  
FACSIMILE: (512) 888-4799

June 9, 1993

Consumer Product Safety Commission  
Publications Requests  
Attn: Secretary Office  
Washington, D.C. 20207

Dear Sir/Madam:

This office is investigating a personal injury claim resulting from the discharge of a BB gun by a minor child.

The BB gun is manufactured by Daisy Manufacturing Company, Inc. The name of the BB gun is Daisy Powerline 1200. The stock number is 7200. The part number is 44639. The address given on the package is Rogers, AR 72757 U.S.A. Any information concerning consumer complaints regarding this particular product, similar such products or any other hazardous characteristics of such products will be of great use to our office.

Thank you for your time and attention in this matter.

Very truly yours,

Abraham Moss

AM/lg

1237

MR. PAVLOR NOTIFIED  
No Comments made  
Excisions/Revisions  
Firm has not requested  
further notice

Joyce Coonley

## CALLS TO LAWYERS

IDENTIFICATION C365024

CITY/STATE Corpus Christie, TX

DATE OF INCIDENT 12/26/92

TYPE OF INJURY Detached retina in L eye

AGE/SEX 14 yo F

SCENARIO (1 sentence) Shot in eye with BB gun

OCT 21 1993

31

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

  
Signature

10/25/93  
Date

☐

I request that you do not release my name.

☐

You may release my name to the manufacturer but I request that you not release it to the general public.

☒

You may release my name to the manufacturer and to the public.

ISSUE 39  
C365024  
1237

6 1  
PAGE 13  
A

MFR/PRY/BR NOTIFIED  
No Comments attached  
Excisions/Revisions  
Firm has not requested further notice

CATEGORY ID: PAAN011994  
TASK NUMBER: 940629NEP9024  
PAGE: 1

\*\*\*\*\*  
1 CASE NO. 940629NEP9024  
2 INVESTIGATOR'S ID 5555  
3 OFFICE CODE 295  
4 DATE OF ACCIDENT Y M D 940618  
5 DATE INVESTIGATION INITIATED YR MO DAY 723 94  
6 SYNOPSIS OF ACCIDENT OR COMPLAINT The sixteen year old male victim sustained a laceration to his right, second toe when he accidentally shot it with a BB gun. He was resting the barrel of the gun on his right foot and accidentally pulled the trigger when he picked up the gun. The victim was taken to the emergency room, treated and released.  
7 LOCATION (HOME, SCHOOL, ETC.) 11 Fort Meyers FL  
8 CITY 9 STATE  
10 FIRST PRODUCT 1237 Daisy Model 880  
11 TRADE/BRAND NAME  
12 SECOND PRODUCT 1936 Don't know  
13 SEX (1-M, 2-F, 3-UNK) 14 DISPOSITION 15 INJURY DIAGNOSIS  
16 AGE OF VICTIM 016 17 RESPONDENT(S) (MOTHER, FRIEND) 18 TYPE INVESTIGATION 19 TIME SPENT  
17 83 1 2 56  
20 ATTACHMENTS 21 CASE SOURCE 22 REVIEWED BY: 0084  
23 NARRATIVE (MORE DETAIL MAY BE INCLUDED ON SEPARATE PAGES) 5-questionnaire 03 DATE (YMD): 940803  
APPROVED FOR USE THROUGH 5/31/97 OMB NO. 3041-0029

\*\*\*\*\* INDEPTH CATEGORY QUESTIONNAIRE \*\*\*\*\*

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\*\* Use special questionnaire or see Debbie Tinsworth.

\*\*\*\*\* INDEPTH ASSIGNMENT MESSAGE \*\*\*\*\*

TASK NUMBER : 940629HEP9024  
OFFICE : EASQ  
CATEGORY : PAAN011994  
HOSPITAL : 5A582085 LEE MEMORIAL, FT. MEYERS, FL  
TREATMENT DATE : 940618  
COLLECTION DATE: 940620  
RECORD NUMBER : 12369980

AGE : 016 16 YEARS  
SEX : ~~female~~ 1 male  
DIAGNOSIS : 56 FOREIGN BODY  
BODY PART : 83 FOOT  
DISPOSITION : 1 TREATED & RELEASED, OR EXAMINED & RELEASED WITHOUT TRTMT  
FIRST PRODUCT : 1237 GAS, AIR OR SPRING-OPERATED GUNS  
SECOND PRODUCT : 1936 BB'S OR PELLETS  
THIRD PRODUCT : 0 CLOSURE TYPE UNKNOWN OR N.A. & 3RD PROD NOT INVOLVED  
LOCALE : 5 OTHER PUBLIC PROPERTY  
F/M VEHICLE : 0 NO MOTOR VEHICLE; NO FIRE INVOLVEMENT  
OCCUPATIONAL : 2 INJURY NOT OCCUPATIONAL OR WORK-RELATED

\*\*\*\*\* WEISS COMMENT \*\*\*\*\*

PT WAS SHOOTING BIRDS WITH A PELLET GUN, WHILE RESTING GUN ON FOOT  
ACCIDENTLY PULLED TRIGGER. (FB -PELLET- RT FOOT)

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Task Number: 940629 HEP9024  
Date of Interview: 7/25/94

BB GUN STUDY DATA RECORDING FORM

\*\*\*\*\*

VICTIM'S AGE FROM THE NEISS RECORD:

(CHECK ONE:)

☐ 18 Years or older (ASK TO SPEAK WITH THE VICTIM; THEN PROCEED TO Q 1.)

16 Under 18 Years (ASK TO SPEAK WITH THE VICTIM'S PARENT OR GUARDIAN. WHEN CONTACT IS MADE, RECORD THE RESPONDENT'S RELATIONSHIP TO VICTIM BY CHECKING THE APPROPRIATE CHOICE BELOW. PROBE IF NECESSARY. THEN PROCEED TO Q 1.)

☐ Parent

☐ Guardian

☒ Other (SPECIFY): victim - with mother's permission

\*\*\*\*\*

1. Hello. I'm \_\_\_\_\_ with the U.S. Consumer Product Safety Commission. In cooperation with \_\_\_\_\_ hospital we're doing a special study on BB and pellet gun injuries. The Commission is interested in learning more about these incidents, so that we can try to reduce the number and seriousness of injuries that occur.

2. Would you answer some questions so that we can learn how these incidents happen? The information that we are collecting will be used for statistical purposes only. Of course, your responses will be confidential and no names will be used in any report. This interview should take less than 10 minutes to complete. (CIRCLE RESPONSE)

0 No (ASK IF ANOTHER TIME WOULD BE BETTER AND SET UP A CALL-BACK TIME: \_\_\_\_\_)

☒ 1 Yes

3. I understand that \_\_\_\_\_ was treated at the emergency room on \_\_\_\_\_ (date) for a BB or pellet gun injury. Is that correct?  
0 No (RESOLVE REASONS FOR INCONSISTENCY: \_\_\_\_\_)

① Yes

- 9 Don't know (ASK IF ANOTHER TIME WOULD BE BETTER AND SET UP A CALL-BACK TIME: \_\_\_\_\_)

\*\*\*\*\*  
INTERVIEWER: THANK RESPONDENT AND END INTERVIEW IF THERE WAS NO INJURY OR IF INJURY WAS NOT RELATED TO A BB OR PELLET GUN; OTHERWISE CONTINUE.  
\*\*\*\*\*

4. Specifically, what type of gun was involved--a BB gun, pellet gun, or other type of gun? (CIRCLE RESPONSE)

① BB Gun (shoots small round shot)

2 Pellet Gun (shoots small, non-cylindrical pellets or darts)

3 BB/Pellet Gun (shoots either BB's or pellets)

4 BB or Pellet Gun--not sure which

7 Other Gun (SPECIFY): \_\_\_\_\_

(IF A FIREARM, THANK RESPONDENT AND END INTERVIEW)

9 Respondent does not know the type of gun involved  
(THANK RESPONDENT AND END INTERVIEW)

5. How would you describe the gun--was it a pistol, a rifle, or something else? (CIRCLE RESPONSE)

1 Pistol

② Rifle

7 Other (SPECIFY): \_\_\_\_\_

9 Don't know

6. Was a gas canister (that is, CO<sub>2</sub>) required to shoot the gun? (CIRCLE RESPONSE)

① No

1 Yes (SKIP TO Q 6<sup>9</sup>)

9 Don't know

7. Did the gun have to be pumped before shooting it? (CIRCLE RESPONSE)

0 No (SKIP TO Q 8<sup>9</sup>)

① Yes

9 Don't know (SKIP TO Q 8<sup>9</sup>)

8. Was it possible to pump the gun more than once before shooting it? (CIRCLE RESPONSE)

0 No

① Yes

9 Don't know

9. What was the muzzle velocity<sup>3</sup> of the gun? This information may have been on the packaging of the gun or on a hangtag or label when the gun was purchased. (SPECIFY; IF RESPONDENT DOESN'T KNOW, WRITE IN "DON'T KNOW")

Don't know feet per second

10. What were the manufacturer and model of the gun? (SPECIFY; IF RESPONDENT DOESN'T KNOW, WRITE IN "DON'T KNOW")

Manufacturer: Daisy

Model: 880

11. How did the injury happen? (RECORD THE RESPONDENT'S NARRATIVE OF THE INCIDENT. PROBE FOR THE IMMEDIATE ACTIVITIES LEADING UP TO THE INCIDENT, DETERMINING THE ACTIONS OF THE VICTIM AND THE PERSON HANDLING THE GUN. INDICATE IF THE RESPONDENT WITNESSED THE INCIDENT.)

The 16 year old male victim was in his front yard shooting birds with a friend's B-B gun. He was sitting down and had the barrel of the gun propped on his right foot. He saw a bird, and picked up the gun, accidentally pulling the trigger when it was still pointed at his foot. He felt pain and removed his leather tennis shoe. The B-B went into the base of his second toe of his right foot causing a laceration. The victim went into his house, wrapped his foot and was driven to the hospital by his brother. Emergency room doctors took x-rays and decided not to remove the BB. He was given injections for pain and a referral to a foot doctor. He has seen the foot doctor twice, and will continue to see him to make sure

\*\*\*\*\*  
INTERVIEWER: IF THE PERSON HANDLING THE GUN WAS THE VICTIM, AND WAS UNDER AGE 16, SKIP TO Q 15;

IF THE PERSON HANDLING THE GUN WAS THE VICTIM, AND WAS AGE 16 OR OLDER, SKIP TO Q 16;

\*\*\*\*\*

the BB has no more

12. When the injury occurred, about how far away was the victim from the gun--fairly close, say less than 10 feet, or was the victim farther away?  
1 Less than 10 feet  
2 10 feet or farther  
7 Other (SPECIFY): \_\_\_\_\_  
9 Don't know
13. About how old was the person handling the gun? (SPECIFY YEARS OR CIRCLE RESPONSE)  
\_\_\_\_\_ Years (IF UNDER AGE 16, SKIP TO Q 15;  
IF 16 OR OLDER, SKIP TO Q 16)  
99 Don't know
14. Was the person handling the gun under age 16, or was the person older? (CIRCLE RESPONSE)  
1 Under 16  
2 16 Years or older (SKIP TO Q 16)  
9 Don't know
15. Was an adult (that is, someone age 18 or older) present when the incident happened? (CIRCLE RESPONSE)  
0 No adult was present  
1 Yes, an adult was present  
9 Don't know
16. Whose gun was it--the victim's, the person handling the gun's, or some other person's? (CIRCLE RESPONSE)  
1 Victim's (IF VICTIM WAS AGE 16 OR OLDER, THANK RESPONDENT AND END INTERVIEW)  
2 Person handling the gun (not the victim) (IF HANDLER WAS AGE 16 OR OLDER, THANK RESPONDENT AND END INTERVIEW)  
⑦ Other (SPECIFY RELATIONSHIP TO VICTIM; E.G., FRIEND, RELATIVE, ETC.): Friend  
9 Don't know
17. About how old was the owner of the gun? (SPECIFY YEARS OR CIRCLE RESPONSE)  
14 Years (IF AGE 16 OR OLDER, THANK RESPONDENT AND END INTERVIEW; IF UNDER AGE 16, SKIP TO Q 19)  
99 Don't know
18. Was the owner of the gun under age 16 or was the owner older?  
1 Under age 16  
2 Age 16 or older (THANK RESPONDENT AND END INTERVIEW)  
9 Don't know

19. Did the gun's owner purchase the gun alone, with the help of an adult, or was the gun ~~was~~ received as a gift? (CIRCLE RESPONSE)

1 Purchased the gun alone

2 Purchased the gun with the help of an adult (SPECIFY RELATIONSHIP OF ADULT TO VICTIM; E.G., PARENT, GUARDIAN, OLDER BROTHER) \_\_\_\_\_

③ Received the gun as a gift \_\_\_\_\_

7 Other \_\_\_\_\_

9 Don't know \_\_\_\_\_

Thank you very much for help in this effort to prevent similar injuries to others.

call back    yes ☒ no \_\_\_\_\_